

NUMBER: EL703719648US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service, postage prepaid, under 37 CFR 1.10 on the date indicated below and is address to: Assistant Commissioner of Patents, Washington, D.C. 20231.

*Albieri Ferrara*  
Signature

5-31-01  
Date

jc944 U.S. PTO



05/31/01

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53

jc903 U.S. PTO  
09/871401  
05/31/01

DOCKET NUMBER	PRIOR APPLICATION EXAMINER	PRIOR ART UNIT
SURG:157	Unknown	2152

Address to:

Box Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53, of pending prior application Serial Number 09/797,413, filed on March 1, 2001 entitled NETWORK CONNECTED COMPUTING SYSTEM.

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application serial number 09/797,413, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27  
☐ is enclosed.  
☒ was filed in prior application number 09/797,413 and such status is still proper and desired (37 CFR 1.28(a))
3. ☒ The Commissioner is hereby authorized to charge any deficient fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 10-1205/SURG:157.
4. ☒ The inventor(s) of the invention being claimed in this application is/are:  
Scott C. Johnson; Brian W. Bailey; Rodney S. Canion; Thomas E. Garvens; Gregory J. Jackson ;  
and Roger K. Richter
5. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.60(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
6. ☐ Amend the specification by inserting before the first line the sentence:  
"This application is a ☐ continuation ☐ division of co-pending application number , filed  
"
7. ☒ New formal drawings are enclosed.

8. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_.
- ☐ The certified copy has been filed in prior application number \_\_\_\_/\_\_\_\_\_, filed \_\_\_\_\_ is claimed under 35 U.S.C. 119(a) - (d).
9. ☒ A preliminary amendment is enclosed.
10. ☒ Please enter the preliminary amendment before calculating the filing fee.

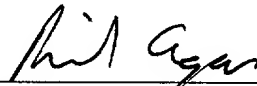
**FEE CALCULATION:**  
(After Amendments)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	Total Claims (37 CFR 1.16(e))	<u>79</u> - 20 =	59	x \$ 18.00	<b>\$1062.00</b>
	Independent Claims (37 CFR 1.16(b))	<u>5</u> - 3 =	2	x \$ 80.00	<b>\$ 160.00</b>
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ 270.00	<b>\$</b>
				Basic Fee (37 CFR 1.16(a))	<b>\$ 710.00</b>
				Total of above Calculations =	<b>\$1932.00</b>
	Reduction by 50% for filing by Small Entity (Note: 37 CFR 1.9, 1.27, 1.28)				<b>\$ 966.00</b>
	ASSIGNMENT FEE (IF FILED WITH APPLICATION)				<b>\$</b>
	<b>TOTAL</b>				<b><i>\$966.00</i></b>

11. ☒ A check in the amount of \$966.00 is enclosed.
12. ☒ The prior application is assigned of record to Surgient Networks, Inc.
13. ☐ The power of attorney in the prior application is to \_\_\_\_\_
- a. ☒ The powers of attorney appear in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to: Richard D. Egan  
O'KEEFE, EGAN & PETERMAN  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, TX 78746

14. ☒ Also enclosed: Postcard; 1449 Form; Request and Certification Under 35 USC 122(b)(2)(B)(i) (Non-Publication Request Form)
15. ☒ Applicant respectfully requests that the Information Disclosure Statement(s) in the prior application be made of record in this application, and that all references cited in the Information Disclosure Statement(s) be made of record, and further that all information in the Information Disclosure Statement(s) and references cited therein be considered by the Office during examination of this application.

Respectfully submitted,



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Richard D. Egan  
Registration No. 36,788  
Attorney for Applicant

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Scott C. Johnson
Title	NETWORK CONNECTED COMPUTING SYSTEM...
Atty Docket Number	SURG:157

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

5/31/01

Date

Richard D. Egan

Signature

Richard D. Egan (Reg. No. 36,788)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DO NOT WRITE IN THESE SPACES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scott C. Johnson et al.

Filed: Concurrently Herewith

For: NETWORK CONNECTED COMPUTING SYSTEM INCLUDING NETWORK SWITCH

Serial No.: Unknown

Group Art Unit: Unknown

Examiner: Unknown

Atty Dkt: SURG:157

Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in a first class, postage prepaid envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date below:

31 Dec  
5-38-01  
Date

Alviri Ferrara  
Name


ATTN: OFFICIAL DRAFTSMAN  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

SUBMISSION OF FORMAL DRAWINGS

Applicants hereby submit the formal drawings for the above-referenced application and request that these drawings be accepted for filing. Please note that Figures 1C, 1D, 1E and 1F have been split on to two pages and labeled as Figures 1C' and 1C'', Figures 1D' and 1D'', Figures 1E' and 1E'', and Figures 1F' and 1F'', respectfully to satisfy formal figure requirements.

Respectfully submitted,

By:   
Richard D. Egan  
Reg. No.: 36,788

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